

REMARKS/ARGUMENTS

Claims 16 and 18 have been rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not adequately described in the specification. Claims 3-7 and 10-18 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over BROWN in view of OWENS.

Claims 16 and 18 are believed to be described in the specification in full compliance with applicable statutory requirements. However, in order to advance the prosecution of this application, these claims have been canceled herein and replaced with independent claims 19 and 20.

One aspect of the invention, to which claim 19 is directed, resides in the fact that the side faces of each tile are free, i.e. not connected by any means to the side faces of the adjacent tiles, these tiles being juxtaposed and attached to the flexible common supporting plate in a way that the side faces of adjacent tiles are in contact with one another when the panel is in a flat condition, such as horizontal. Accordingly, in this condition, the panel constitutes a rigid panel against forces acting on its upper face.

Another aspect of the invention, to which claim 20 is directed, provides that each tile comprises an upper covering plate 8 and at least one lower rigid supporting plate 9 made of a material with high flexural strength and on which the upper plate is attached.

All features set forth in the new claims are clearly supported by the disclosure. For instance, on page 2, lines 21 to 28 it is stated that when the tiles 2 are aligned in the same horizontal plane, adjacent tiles are in contact with one another along the edges 5. As a

result of this contact of the files with one another on the common flexible supporting plate, the panel can constitute, in the horizontal position, an assembly that is rigid against the forces acting on its upper surface.

The subject matter of the new claims is supported by the disclosure since page 4, lines 16-18 refer to Fig. 4 which shows the panel in the claimed position.

The new claims distinguish the invention patentably over the prior art, as will be clearly evident from a consideration of the following remarks.

It is respectfully submitted that the rejection is based on an erroneous interpretation of BROWN and OWENS.

The Examiner incorrectly believes that in BROWN the tiles are individually attached to the upper face of a supporting plate, such as the plate 18 of horizontal-rigid-foam-insulation 30. In BROWN, the tiles 10 are laid loosely over slip sheets 21, 22 and are maintained thereon by the fact that they are attached to one another at all perimeter joints between adjacent horizontal individual tiles with a flexible joint 14 (column 28, lines 5 to 24). Thus, the tiles attached to one another by means of the flexible joints 14 constitute a continuous layer which is freely laid on the sheets 21 and 22 and, accordingly, on the support layer 18. Since the joints 14 have the essential function to create a continuous layer on the support layer 18 by connecting the individual tiles to one another, it is impossible to eliminate the joints 14 between the tiles and to put the tiles individually and freely one besides the others, such as shown in OWENS. This reference repeatedly states that, due to the connection between the individual tiles by means of the joints 14, the layer

thus obtained remains in place on the supporting layer 15 due to its gravity (column 28, lines 15 to 23; column 30, line 58 to column 31, line 10).

The Examiner also is of the incorrect view that BROWN discloses tiles comprising an upper covering plate and a lower rigid supporting plate.

In the present invention, the two plates have the same shape, with the edges of the upper and lower plates of the same tile being precisely located the one above the other in order to enable the folding of the panel in the claimed manner. In contrast, Fig. 3 of BROWN, which was pointed to by the Examiner, shows that the edges 28 of the lower rigid tile plates 26 are located in the middle between the joints 14 of a tile 10 considered by the Examiner as constituting an upper plate of a composite tile. It is readily apparent that a covering layer realized according to Fig. 3 constitutes a rigid assembly and not a foldable one.

In any case, when taking the tile 10 as being the upper plate and the plate 26 as being the lower plate, it is obvious that the two plates do not have the same shape.

The embodiment shown on Fig. 7 of BROWN provides the same teaching when considering the elements 10 and 24 as forming, respectively, the upper plate and the lower rigid plate of a tile. It is clearly shown on Fig. 7, on the left side, that the joints 14 between the upper plates do not always coincide with the joints between the lower plates 24.

Accordingly, BROWN does not disclose covering panels formed by individual tiles each comprising an upper plate and a rigid lower plate having the same shape,

with their edges being superposed so that the panel is foldable along these edges.

Based on the foregoing, it is clear that the invention as defined by the newly submitted claims 19 and 20 differs fundamentally from BROWN due to at least the following:

1. The tiles are freely juxtaposed without any joint between their lateral faces while being only attached to the flexible common supporting layer.
2. The tiles are attached to the supporting layer in such a way that the side faces of the tiles when in their aligned horizontal position, are in contact with one another in order to constitute an assembly which is rigid against forces acting on the upper face of the panel.
3. The panel is foldable in spite of the fact that each tile comprises an upper plate and a rigid lower plate, with these plates having the same shape.

The Examiner concedes that BROWN fails to disclose that adjacent tiles are in contact with one another along their edges. Nevertheless, the Examiner considers that OWENS discloses the features which are lacking in BROWN so that a person skilled in the art could modify BROWN so that the result obviates the present invention.

OWENS discloses covering panels comprising a plurality of individual tiles which are juxtaposed on a common supporting plate in such a way that each of the side faces of adjacent tiles are in contact with one another. But, in contrast to the invention, the supporting plate is a rigid plate (for instance a ceramic tile plate) which, accordingly, is not foldable.

Indeed, OWENS has an object which is fundamentally different from the present invention. OWENS relates to a laminated tile product having an upper laminate of natural stone and a lower laminate of a ceramic tile. The object is to provide a tile product having the appearance of solid natural stone such as marble, but without the disadvantages of solid stones.

It results from the foregoing that OWENS does not suggest panels which are foldable along the edge lines of the individual tiles since any folding of a panel is excluded due to the fact that the common support plate is a rigid plate. Thus, OWENS does not suggest that a positioning of tiles in contact by their side faces may allow the manufacturing of foldable covering panels when applying the teaching of OWENS to BROWN.

To this critical lack of a teaching in OWENS must be added the fact that even in BROWN the panels are not foldable, due to the positioning of the joints between adjacent tiles and due to the fact that in the embodiment with tiles having an upper plate and a rigid lower plate the edges of these plates do not coincide, so that a substantial folding motion cannot be obtained.

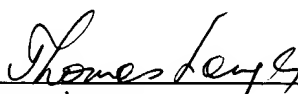
The covering panel of the present claimed invention provides the advantage with respect to the prior art that it is possible to have access to a limited zone of the floor, for instance to an electric cable laid in the floor, without being obliged to remove a complete panel. With the present invention, however, it is sufficient to only fold back a part of the panel along the folding line which is the nearest to the access zone, with the rest of the panel remaining on the floor. In sharp contrast to the invention, in BROWN it would be necessary to remove not only one complete panel, but also a complete layer since, due to the presence of the joints 14 between adjacent tiles, these tiles are parts of a continuous layer.

Based on all of the above, it is respectfully submitted that independent claims 19 and 20 are clearly allowable over the applied references. The remaining claims are each dependent on an allowable claim and, thus, are allowable therewith.

Based on the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect is respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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